

DISTRICT ATTORNEY/PUBLIC ADMINISTRATOR'S OFFICE

I. DEPARTMENT MISSION OR MANDATE OR GOAL

The department prosecutes criminal and some civil cases from filing through disposition.

II. MAJOR PROGRAM DESCRIPTIONS

A. DISTRICT ATTORNEY

The District Attorney is both a state constitutional officer and a local elected official. As such, he represents the "People of the State of California," but not individual citizens.

The jurisdiction of the District Attorney includes both investigatory and prosecution functions, and it extends Countywide, covering County, city, and special district areas, including some 25 police agencies (cities, County, college district, BART, and park district), plus serving state agencies and non-traditional sources of cases such as the Bay Area Quality Control District.

The basic function of the District Attorney's Office is to file and prosecute misdemeanor and felony cases. The office utilizes the statewide District Attorney Filing Standards that, in brief, require the prospective case to consist of sufficient, legally admissible evidence to convince twelve people beyond a reasonable doubt of the defendant's guilt in the face of the most plausible and reasonably foreseeable defense.

BUDGET: \$23,891,929
FTE: 194.5

B. PUBLIC ADMINISTRATOR

The Public Administrator function handles estates where the deceased has no known heirs.

BUDGET: \$246,193
FTE: 2

C. DEPARTMENT DATA

BUDGET: \$24,138,122

FTE: 196.5

| CLASS | ALLOCATED POSITIONS |
|--|----------------------------|
| Attorneys | 97.5 |
| Investigators (includes 5 Case Preparation Assistants) | 31.0 |
| Support Staff | 59.0 |
| Others | 9.0 |
| Total | 196.5 |

EMPLOYEE PROFILE

Even with steep competition for qualified minority attorneys, the office has been successful in exceeding affirmative action goals. At present, the staff is 35.6% female, 6.9% African-American, 10.3% Asian, 5.7% Hispanic, and 1.1% Native American.

The County's Legal Services Affirmative Action goals are 26.9% female, 2.7% African-American, 2.2% Hispanic, 2.6% Asian, and .3% Native American. State Bar demographics reveals an available pool that is 32% female, 2% African-American, 4% Hispanic, 6% Asian, and less than 1% Native American. Our attorney workforce diversity is greater in every category than either of these measures.

This excellent result was accomplished through comprehensive recruiting efforts on a yearly basis.

III. DEPARTMENT ACCOMPLISHMENTS

A. CASES FILED

Filed 4,356 felonies, 13,280 misdemeanors, and prosecuted some 1,961 juvenile cases, plus many consumer and environmental actions. These include:

1. Domestic Violence

202 felonies and 598 misdemeanors, a slight increase from 2001. Conviction rates were 95.2% on felony cases and 86% on misdemeanors cases.

2. **Elder Abuse**

Filed 45 felony cases; obtained 26 felony convictions (14 financial and 12 physical), with a 93% conviction rate. And, filed an additional 13 misdemeanor cases.

3. **Major Drug Cases**

225 defendants were convicted and, of those, 142 sent to state prison. This represented a 94% conviction rate.

4. **Murder Cases**

There are 64 defendants currently charged with or awaiting sentencing for murder. Only six of those cases were charged as capital cases. Twenty-one murder cases were filed in 2002.

5. **DUI cases**

3,762 cases were filed in 2002.

6. **Sexual Assault**

Filed 239 felonies and closed 155 cases during 2002, with a 94% conviction rate and a 41% state prison commitment rate.

B. CASES TRIED

During 2002, our office tried 158 felony jury trials, an increase of 14.5% over the previous year. Because of the length and complexity of some of those cases, our deputies spent 1,173 days in felony trials, an increase of over 50%.

C. BAD CHECK PROGRAM

The District Attorney's Bad Check Program returned restitution to victims in the amount of \$233,893 in 2002, a 12% increase over 2001. Fees turned over to the County General Fund totaled \$20,560, a 15% increase. This program operates at absolutely no County costs.

D. ENVIRONMENTAL AND CONSUMER ACTIONS

For calendar year 2002, environmental and consumer actions generated \$558,684 in revenue, an increase over 2001. The following is a breakdown by category.

| Actions | Penalties | Local Costs | Non-local Costs | Total |
|-----------------------|------------------|--------------------|------------------------|------------------|
| Consumer | \$171,150 | \$40,267 | | \$211,417 |
| Environmental | \$264,727 | \$78,305 | \$4,235 | \$347,267 |
| Combined total | \$435,877 | \$118,572 | \$4,235 | \$558,684 |

E. FORFEITED ASSETS

The office forfeited assets from drug cases, worth \$1,134,644 in 2002, an increase of 35% over 2001. The District Attorney's share was \$184,290 into the General Fund.

F. NORTHERN CALIFORNIA COMPUTER CRIMES TASK FORCE

The Northern California Computer Crimes Task Force (NCCCTF) has now been expanded to include 11 Northern California counties. The purpose of the task force is to investigate and prosecute identity theft and other computer based crimes.

The task force is funded by the state; Contra Costa County's share partially supports a deputy district attorney and an investigator. State funding appears secure, despite the current fiscal crisis.

To date, Contra Costa's task force members have prosecuted some 38 cases to conclusion, with another 26 in the system.

G. CHILDREN'S INTERVIEW CENTER

During 2002, this office was able to place a Deputy District Attorney as a full-time staff member at the Children's Interview Center. The CIC is our multi-disciplinary child-friendly forensic interview site, and is a collaborative operation supported by Community Violence Solutions, the District Attorney's Office, EHSD, the Sheriff's Office, and the Chiefs of Police, among others. The quality and consistency of investigations is enhanced by our participation, and prosecution rates have greatly increased. Last year over 200 children were interviewed at the CIC.

H. COMMUNITY PROSECUTION

Last year we secured a federal Community Prosecution planning grant to design a pilot project in conjunction with the City of Concord. Community Prosecution typically focuses on close interaction with police and local community groups, non-traditional prosecution strategies, and more attention to residents' quality of life issues. We are currently wrapping up that planning process and are optimistic that some implementation funding will be available, despite current budget constraints.

I. RICHMOND OFFICE

During the latter part of 2002, we re-opened our Richmond Office after a \$1+ million renovation project. The office is now more spacious and truly state-of-the-art. It should allow us to serve the residents of West County more effectively for many years to come. The office has a new phone system with voice mail, and the computer system is fully connected to our department-wide LAN.

J. DEPARTMENT NETWORK

In 2002, installation of our department LAN or network was also completed. All personnel have e-mail, and our attorneys all have full legal research capabilities at their desktop. Phone systems with voice mail are also installed at all our offices.

IV. DEPARTMENT CHALLENGES

A. INTERNAL TO DEPARTMENT

1. Budget Projections

The department's budget is at risk this year because of the fluctuating nature of the revenues which fund more than half of the budget. For example, Proposition 172 revenues are below projections and several state grants are in jeopardy due to the state budget crisis.

2. Budget Reductions

County General Fund reductions in our proposed budget also place in jeopardy important programs in our office which depend on the General Fund, such as the Zero Tolerance program. We are committed to maintaining our Zero Tolerance resources, but must look to other divisions in the office to creatively staff our responsibilities.

3. Technological Priorities

The completion of our office-wide LAN sets the stage for a host of other technological initiatives that could dramatically improve the efficiency and effectiveness of our office. A system for instant electronic notification of our witnesses is already being developed, to take the place of a cumbersome manual phone notification system. Our office website to help educate County residents about what we do and how to contact us is currently in development. The list of automation projects that are now possible, and would make us better, is a very long one. The challenge is to try and prioritize these projects and balance them against greatly diminished resources available to us in the coming year.

B. INTERNAL TO COUNTY OPERATION

1. Case Management System

The Courts have recently informed us that they will be abandoning the County mainframe LJIS system in favor of a new criminal case management system within the next two years. This will leave our

office with a mainframe system much more expensive to maintain without its major partner, or trying to invest in a new case management system ourselves. Either way, we will have to dramatically change how we do business, from generating complaints, to issuing subpoenas, to capturing information for us to meet, and will undoubtedly be an expensive challenge as well.

2. **Proposition 36**

Proposition 36, which took effect in July 2001, dramatically changed the prosecution of drug possession cases. Eligible defendants are now guaranteed probation and treatment, with no incarceration. Treatment for low-level drug offenders is a laudable goal, and in the first year of operation almost 1,000 offenders were funneled into treatment. However, because there is no incentive for starting treatment early, and no penalty for insisting on a trial, many drug offenders, on the advice of their Public Defenders, have gone to trial on drug possession charges. These cases are devouring large amounts of our, and the court's, resources, and would never have proceeded to trial prior to Proposition 36. Developing a system whereby eligible offenders are funneled into treatment at an early stage is a major challenge for this office, especially when the Public Defender's Office controls the process to a large degree.

C. EXTERNAL TO COUNTY OPERATION

1. **Public Pressure**

The District Attorney must resist pressure to file legally insufficient criminal cases simply to appease victims and police, for publicity, for political reasons, to satisfy press or public demand, or any other such non-professional reasons. The staff is trained in, and does in fact follow, policy requiring sufficient evidence.

2. **Salaries**

Despite the recent economic slump, beginning attorney salaries in the Bay Area make it increasingly difficult to attract and keep highly qualified attorneys, particularly minorities. Top law firms are now paying over \$135,000 per year (plus bonus) to new lawyers. Our pay is some \$64,800 per year flat for three years.

We will be continuing our early on-campus recruitment programs, and will be proposing a new pay structure for our fixed-term attorneys to make our office more competitive.

3. **Auto Theft Rates**

While the overall crime rates have generally remained steady since the economic downturn, auto theft rates have exploded, rising as much as 37% in some area of the County. We must find some new strategies to incapacitate repeat offenders and deter future violations.

4. **State DNA Database Program**

The success of the State's DNA database programs has put further financial strain on our resources. The **Graham** case, a twenty-plus year-old child kidnapping, sexual assault, murder case, was successfully prosecuted to a death verdict in 2002. Travel expenses for witnesses who had scattered far and wide with time, plus expert witness fees, totaled almost \$50,000 in that one case. We filed a similar 20-year-old child sexual assault, murder case last year that will bring similar logistic costs. The prospect that this scenario will be repeated even more frequently in the future grows along with the State's expanding DNA database.

V. PERFORMANCE INDICATORS

A. CRIMINAL

| COUNTY | FELONY TRIALS | MISDEMEANOR TRIALS | TOTAL | RANK |
|---------------|---------------|--------------------|-------|------|
| Santa Clara | 319 | 83 | 402 | 1 |
| Contra Costa | 104 | 144 | 248 | 2 |
| Alameda | 107 | 78 | 185 | 3 |
| San Francisco | 63 | 70 | 133 | 4 |
| San Mateo | 49 | 75 | 127 | 5 |
| Solano | 62 | 53 | 115 | 6 |
| Marin | 40 | 57 | 99 | 7 |

2002 Judicial Council Report for fiscal year 2000-01. These are the most recent figures.

For Bay Area counties, Santa Clara has some 201 deputy district attorneys, Alameda over 150, San Francisco about 125, and Contra Costa 97; Contra Costa is **No. 1** in trials per deputy district attorney among those large counties.

B. FELONY CONVICTION RATE (PER JUDICIAL COUNCIL STATISTICS)

Contra Costa County 80.6%
 Statewide 77.3%

**STAFFING AND TRIAL LOAD RATIOS FOR COUNTIES
 WITH 10 OR MORE JUDICIAL POSITIONS**

(From 99-00 Judicial Council Stats and
 1999 CDAA Staffing Report)

| Rank | DDA's per Judicial Position | Rank | Jury Trials per DDA |
|-----------|-----------------------------|-----------|--------------------------|
| 01 | Tulare 3.08 | 01 | Kern 4.59 |
| 02 | Ventura 3.06 | 02 | Los Angeles ** 3.67 |
| 03 | Placer 2.94 | 03 | Tulare 3.57 |
| 04 | Stanislaus 2.69 | 04 | Shasta 3.21 |
| 05 | Yolo 2.69 | 05 | Solano 2.84 |
| 06 | Santa Cruz 2.67 | 06 | Contra Costa 2.76 |
| 07 | San Joaquin 2.62 | 07 | Riverside 2.69 |
| 08 | San Diego * 2.56 | 08 | Sacramento 2.55 |
| 09 | Fresno 2.56 | 09 | Orange ** 2.49 |
| 10 | Merced 2.45 | 10 | Marin 2.44 |
| 11 | Marin 2.44 | 11 | Stanislaus 2.34 |
| 12 | Monterey 2.35 | 12 | San Mateo 2.16 |
| 13 | Sacramento 2.34 | 13 | San Diego ** 1.95 |
| 14 | Sonoma 2.32 | 14 | Ventura 1.89 |
| 15 | Solano 2.24 | 15 | San Bernardino 1.86 |
| 16 | Santa Clara 2.22 | 16 | Imperial 1.79 |
| 17 | San Bernardino 2.21 | 17 | Santa Clara 1.70 |
| 18 | San Luis Obispo 2.07 | 18 | Butte 1.65 |
| 19 | Riverside 2.05 | 19 | Monterey 1.55 |
| 20 | Los Angeles * 2.02 | 20 | Alameda 1.50 |
| 21 | Butte 2.02 | 21 | Yolo 1.38 |
| 22 | Kern 1.96 | 22 | San Francisco 1.35 |
| 23 | Shasta 1.94 | 23 | San Luis Obispo 1.32 |
| 24 | Contra Costa 1.89 | 24 | Santa Cruz 1.31 |
| 25 | San Francisco 1.84 | 25 | San Joaquin 1.27 |
| 26 | Santa Barbara 1.81 | 26 | Merced 1.20 |
| 27 | Orange * 1.73 | 27 | Sonoma 1.19 |
| 28 | Alameda 1.65 | 28 | Fresno 1.05 |
| 29 | San Mateo 1.58 | 29 | Santa Barbara 0.93 |
| 30 | Imperial 1.54 | 30 | Placer 0.85 |

* Includes City Prosecutors

** Unreliable numbers because City Attorneys in those counties handle most of the misdemeanor trials

OFFICE OF THE DISTRICT ATTORNEY
 Organization Chart - May 2003



